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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,526	04/27/2001	Robert Woolley Brunson	4750-000002	3732
30767	7590	09/21/2006	EXAMINER	
KEISLING & PIEPER PLC 1 EAST CENTER STREET, SUITE 217 FAYETTEVILLE, AR 72701			ART UNIT	PAPER NUMBER

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20060917

DATE MAILED:

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Commissioner for Patents

The Appeal Brief filed June 28, 2006 is defective for failure to comply with one or more provisions of 37 CFR § 41.37. See <http://www.uspto.gov/web/offices/pac/dapp/opla/presentation/bpalslidestext.htm>.

Final Rules: Practice Before the BPAI Appeal Brief - § 41.37

Content and format of the appeal brief (§ 41.37)

The brief must contain the following items (§ 41.37(c)):

1. Real party in interest (similar to former § 1.192).

A statement identifying by name the real party in interest even if the party named in the caption of the brief is the real party in interest.

2. Related appeals and interferences (similar to former § 1.192).

Identification of all other prior and pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision.

3. Status of claims (similar to former § 1.192).

The status of all the claims in the proceeding (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of the appealed claims.

4. Status of amendments (same as former § 1.192).

A statement of the status of any amendment filed subsequent to final rejection.

5. Summary of claimed subject matter (replacing "summary of invention").

A concise explanation of the subject matter defined in **each of the independent claims** involved in the appeal,

Must refer to the specification by page and line number, and to the drawing, if any, by reference

characters.

For each independent claim involved in the appeal and for each dependent claim argued separately,

Every means plus function and step plus function must be identified, and

The structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

6. Grounds of rejection to be reviewed on appeal (replacing "issues for review" and "grouping of claims").

Example: Claims 1 to 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. X.

7. Argument (has been revised).

A separate heading is required for each ground of rejection.

Any claim(s) argued separately should be placed under a subheading.

A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim.

When multiple claims subject to the same ground of rejection are argued as a group, the Board may select a single claim from the group to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone.

8. Claims appendix (similar to former § 1.192).

A copy of the claims involved in the appeal.

9. Evidence appendix (new)


Copies of any evidence entered and relied upon in the appeal.

10. Related proceedings appendix (new)

The instant appeal brief is defective because the sections' headings as set forth above from 5 to 6 and 8-9 are not up to date. The section heading of 10 is missing.

Appellant is required to comply with provisions of 37 C.F.R. § 41.37(c). APPLICANT IS GIVEN A TIME LIMIT OF ONE MONTH FROM THE DATE OF THIS LETTER OR ANY TIME REMAINING IN THE PERIOD UNDER 37 CFR 1.192(a) FOR FILING A NEW COMPLETE BRIEF. If a new brief that fully complies with 37 CFR §41.37(c) is not timely submitted, the appeal will be dismissed as of the date of expiration of the period provided by 37 CFR 1.192(a). No extension of this one month time limit may be obtained under either 37 CFR 1.136(a) or (b) but the original two-month period under 37 CFR 1.192(a) for filing the brief may be extended under 37 CFR 1.136(a) up to six months from the date of the Notice of Appeal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Ip whose telephone number is (571) 272-1241. The facsimile phone number is (571) 273-8300.


SIKYIN IP
PRIMARY EXAMINER
ART UNIT 1742

S. Ip
September 17, 2006